

REMARKS

The Office Action mailed on June 15, 2006, made final, has been carefully considered and the Examiner's remarks are appreciated. Claims 1-79, 83, 84, 89-91, 93 101, 111, 112, and 117-119 are canceled. Claims 80, 92, 96, 102, 103, 120, and 121 have been amended. And new claim 124 has been added. Therefore claims 80-82, 85-88, 92, 94-100, 102-110, 113-116, and 120-124 are presented here for examination and Applicants respectfully request reconsideration of these claims in view of the above amendments and the following remarks. No new matter has been added, with support for the amendments found in the Specification, claims, and the drawings.

Allowable Subject Matter

The Examiner objected to claims 92, 93, 101-105, 120, and 121 as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form. Applicants have adopted the Examiner's suggestions and have accordingly amended the allowable claims as follows:

Allowable claim 92 has been rewritten in independent form to include the limitations of base claim 80 and intervening claim 91 (now canceled).

Regarding allowable claim 93, independent claim 80 has been amended to include the limitations of claim 93 (now canceled). Applicants respectfully submit that claims 81, 82, 85-88, 94, and 95 are now also allowable as being dependent on allowable claim 80, as amended.

Regarding allowable claim 101, independent claim 96 has been amended to include the limitations of claim 101 (now canceled). The dependency of claim 102 has been changed to reflect this amendment. Applicants respectfully submit that claims 97-100, 102, 106-110, and 113-116 are now also allowable as being dependent on allowable claim 96, as amended.

Allowable claim 103 has been rewritten in independent form to include the limitations of base claim 96. Thus the objections against allowable claims 104 and 105 are also overcome.

And each of allowable claims 120 and 121 have been amended into independent form to overcome the Examiner's objections for allowance.

Discussion of the Rejections Under 35 USC §103(a)

With regard to claim 88, Applicants respectfully submit that the 103-based rejection based on Gagnon in view of Shahar is inappropriate in view of MPEP §2143.03 as follows in part:

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art."

In support of his rejection the Examiner stated that "*Re claim 88, Gagnon discloses an analyzing circuit 50 for setting a threshold level to detect defective pixels (Col. 6, 53-56).*" Applicants respectfully submit, however, that the Examiner has erred in his reading of the Gagnon reference and his conclusion that they somehow teach or suggest the limitations of claim 88. Neither Gagnon or Shahar teach or suggest a data processing

means which includes “*means for setting a level of inclusion/exclusion in analysis of detection data obtained from the pixels in said regions with imperfections to provide either higher resolution or higher efficiency.*” Clearly this limitation has nothing to do with setting a pixel exclusion threshold based on a pixel’s performance. Rather the claim 88 limitation operates to include or exclude an imperfect pixel based on a particular system performance goal, i.e. either higher resolution or higher efficiency, irrespective of how poor, bad, or imperfect a pixel’s resolution actually is.

Applicants have added new independent claim 124 which has the same scope as original claim 88, including all the limitations of the original base claim 80 and intervening claim 87.

Summary

Having amended the claims to overcome Examiner’s objections as discussed above, Applicant respectfully submits that claims 80-82, 85-88, 92, 94-100, 102-110, 113-116, and 120-124 are in condition for allowance. Applicants respectfully request allowance of claims 80-82, 85-88, 92, 94-100, 102-110, 113-116, and 120-124.

In the event that the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, she is respectfully requested to initiate the same with the undersigned at (925) 422-7274.

Respectfully submitted,



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